

Remarks:

Status of Claims

Claims 1-20 were previously pending. Claims 6, 8, and 13 have been canceled and claims 1, 7, 9-12, and 13-17 have been amended. Thus, claims 1-5, 7, 9-12, and 14-20 are currently pending with claims 1, 12, and 18 being independent. The Examiner allowed claims 18-20, objected to claim 11, and rejected all other claims.

Objection to Drawings

Enclosed herewith are a replacement sheet and an annotated marked-up drawing submitted in response to the Examiner's objection to the drawings under 37 CFR 1.83(a). The corrected drawing illustrates a belt mount (52) as required by the Examiner. The addition of the belt mount (52) does not constitute new matter as the belt mount was fully and adequately disclosed and enabled in the specification at the paragraph beginning on page 8, line 2.

Specification

The specification has been amended to correspond to reference numerals utilized by the corrected drawing as required by 37 C.F.R. 1.84(p)(5). No new material has been added as the addition of a reference numeral is not new matter.

Claim Rejections

The Examiner rejected claims 1, 3, 4, 6, and 12 under 35 USC 102(b) as being anticipated by Bryan (U.S. Patent No. 4,700,501). The Examiner rejected claims 2, 5, 7, 8-10, and 13-17 under 35 USC 103(a) as being unpatentable over Bryan in view of Evans (U.S. Patent No. 4,660,317). The Examiner rejected claim 16 as being unpatentable over Bryan in view of Evans and further in view of Nicholas (U.S. Patent No. 5,201,884). Applicant respectfully submits that alone or in combination, Bryan, Evans, and Nicholas fail to disclose or suggest all currently claimed features of the present invention. Specifically, the Examiner's combination of Bryan, Evans, and Nicholas

fails to disclose or suggest a jigging device which is operable to cause intermittent vibration or a jigging device which has controllable vibration based on intensity, duration, and delay.

The present invention is an automatic jigging device for a fishing rod which is operable to selectively impart intermittent vibration to the fishing rod. As is known in the art, skilled fishermen often intermittently vibrate their fishing rods to cause a lure, such as a jig, to pop or wiggle in a desired manner to attract fish. Generally, these skilled fisherman do not continuously vibrate (jig) their rods, but instead utilize great skill and care in deciding how long to vibrate, what intensity to vibrate, and how long to delay before vibrating again. Such skill in effecting intermittent vibration facilitates in attracting and ultimately catching fish. The present invention seeks to automate this selective and intermittent vibration by providing an automatic jigging device that includes a controller for controlling intermittent vibration of the device.

For example, the present invention may include an intensity control for selecting a desired magnitude or intensity of the action imparted to the lure, a delay control for selecting a delay period during which less or no action is imparted to the lure, and a duration control for selecting a duration during which action is imparted to the lure after the delay period has elapsed (see claims 9 and 10). Control of the delay period and duration of vibration enables a fisherman to precisely control the intermittent vibration of the device and lure to attract fish in an efficient manner.

In contrast, Bryan, Evans, and Nicholas fail to disclose or suggest a jigging device which is operable to cause intermittent vibration or a jigging device which has controllable vibration in terms of intensity, duration, and delay. For example, the device of Bryan is operable only for continuous vibration upon activation (column 3, lines 26-31). Bryan's disclosure of an on/off switch or varying speed (motor intensity) does not include causing intermittent vibration as the rotation of the motor remains continuous while the device is on (column 3, lines 30). Thus, Bryan fails to disclose or suggest all features of claim 1.

Additionally, Bryan teaches away from a controller operable to cause intermittent vibration as Bryan relies upon a "fishing line loop 100" which directly contacts the fishing line to cause "inconsistency in the motion of the bait" (column 4, lines 15-51). The fishing line loop 100

enables Bryan to cause inconsistent movement which is “far more effective that might otherwise be the case if the bait M1 were moved in a repetitious cycle” (column 4, lines 45-48). Thus, Bryan does not disclose or suggest causing *intermittent* vibration and instead causes *inconsistent* vibration by utilizing a fishing line loop which interferes with fishing line. In contrast, the present invention avoids a “repetitions cycle” and problems associated with directly contacting a fishing line by providing intermittent vibration that emulates tactics employed by skilled fishermen.

Furthermore, Bryan utilizes continuous vibration and not intermittent vibration as Bryan utilizes conventional natural bait such as a minnow (column 2, lines 50-51). Bryan imparts continuous vibration to cause lethargic live bait to swim erratically and attract predators (column 2, lines 60-65). Thus, imparting intermittent vibration would teach away from Bryan as Bryan utilizes vibration to prompt live bait into continuous and uninterrupted activity and does not utilize vibration to emulate the fishing tactics of skilled fishermen.

Evans similarly fails to disclose or suggest causing intermittent vibration. Instead, Evans discloses a “simple” on/off power switch, a switch that allows a user to select either a long or a short stroke, and a manual switch that changes the speed of the stroke (column 7, lines 22-31). Although stroke is not same function as vibration, the combination of Bryan and Evans does not disclose intermittent vibration as the stroke of Evans is constant. For example, regardless of whether a user selects a long stroke or a short stroke, the stroke is continuous and is continuously repeated until the device is deactivated (column 8, lines 1-13). In contrast, the present invention is operable to provide intermittent vibration, without powering the device off, such that the controller may halt and resume vibration in a desired manner to emulate tactics employed by skilled fishermen.

Nicholas is a aquatic locator apparatus, which is not in the field of fishing or related to fishing related problems, that does not disclose or suggest vibration or intermittent vibration. Thus, Bryan, Evans, or Nicholas, alone or in combination, fail to disclose or suggest intermittent vibration. Instead, Bryan discloses continuous vibration with variable intensity and Evans discloses continuous long or short stroking. In contrast, the present invention provides a controller which is operable to cause intermittent vibration. Claims 1-11 include the feature of intermittent vibration and are now

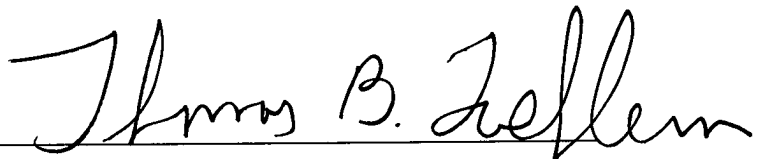
in allowable condition as all features of claims 1-11 are not disclosed or suggested by the Examiner's combination of Bryan, Evans, and Nicholas.

In the September 21, 2004, Office Action, the Examiner stated that claims 18-20 were allowed and that claim 11 would be allowed if rewritten in independent form. Applicant has not rewritten claim 11 in independent form, but the allowable feature of claim 11, the belt mount, has been included in independent claim 12. Thus, claims 12 and 13-17 are now in a condition for allowance as they include the belt mount feature of allowable claim 11.

In view of the remarks herein, applicant respectfully submits that claims 1-5, 7, 9-12, and 14-20 are now in allowable condition and requests a Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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